



**West
Northamptonshire
Council**

Public Spaces Protection Order Variation Consultation: ownership of dogs and prohibition of smoking in certain places

This document provides further information (including some background) to the measures and proposals the Council is consulting on.

You may wish to keep this document open when considering your responses.

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Introduction

West Northamptonshire Council (WNC) is proposing to vary the Ownership of Dogs and Prohibition of Smoking in certain places Public Spaces Protection Order (PSPO).

There is a legal requirement for the council to have evidence to show the need for orders to be adopted, varied, or extended. The activities controlled by the PSPO need to have had, or be likely to have, an unreasonable and detrimental effect on the quality of life of those in the locality and are, or are likely to be, persistent and continuing in nature.

What is a Public Spaces Protection Order (PSPO)?

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to tackle anti-social behaviour (ASB). This legislation also replaced the Dog Control Orders made under the Clean Neighbourhoods and Environment Act 2005.

PSPOs can be used to address nuisance or problems in public places that have a "detrimental effect on the local community".

Failure to comply with the conditions of a PSPO may result in an order to pay a fine, otherwise known as a fixed penalty notice.

A PSPO allows councils to impose conditions on any public space within its area. A public space is anywhere that the public has use of land by rights or by permission. A PSPO can deal with nuisance and anti-social behaviour that has a detrimental effect on local community's quality of life and can help to ensure people can use and enjoy public spaces, therefore helping to make West Northamptonshire a better and safer place to live, work and visit.

PSPO's can be in place for a maximum of 3 years, prior to expiry it is reviewed.

The current PSPO for Daventry and South Northants

In October 2022, WNC introduced a new PSPO across the Daventry and South Northants Areas. The Order promotes responsible dog ownership and prohibits smoking in certain publicly accessible open spaces.

The full **West Northamptonshire Council PSPO (Dog Control and Prohibition of Smoking in Public Places) 2022** can be viewed at <https://cms.westnorthants.gov.uk/media/3304/download>.

What does the current PSPO cover?

The requirements and restrictions of the PSPO are summarised as follows. Anyone who is in control of a dog (or dogs) in a public place must:

- Pick up after the dog immediately
- Have the appropriate means to pick up after that dog
- Not take or allow dog/s entry to the following: children's play areas; schools when open and in use by pupils; skateparks; tennis courts; multi-use games areas (MUGAs) and bowling greens
- Keep the dog/s on a lead when in: Cemeteries; burial sites; graveyards; memorial gardens; allotments; car parks; sports grounds, fields, and pitches, when in use for authorised sporting activity; land near the café area at Daventry Country Park and near schools when open and in use by pupils
- Put the dog on a lead when requested to do so by an Authorised person
- Restrict the number of dogs that can be walked by one person to a maximum of 4 dogs at any one time. Conversations have taken place with representatives of professional dog walkers and consideration is being given to the development of a licensing scheme and associated code of conduct for professional dog walkers. However, this proposal is currently in very early development and also pending the possibility of national proposals and will be reviewed in autumn 2023.

Additionally, the requirements and restrictions also cover:

The smoking of tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes, herbal cigarettes or any illegal substances is prohibited in the following areas:

- Children's play areas
- land outside school entrances and exits when open and in use by pupils
- skateparks
- tennis courts
- multi-use games areas, and
- bowling greens.

Failure to comply with any one of the requirements or restrictions contained within this PSPO carries a £100 fine in line with the Anti-Social Behaviour, Crime and Policing Act 2014, section 68(2).

Information on the proposals to extend and vary the existing PSPO

The Council is now seeking to:

1. Vary the existing Daventry and South Northants Area [PSPO \(Dog Control and Prohibition of Smoking in Public Places\) 2022](#), to cover the entire West Northamptonshire Council area, therefore including the Northampton Area.

This will bring consistency and alignment across the whole of the administrative area making it easier for those who live, work, and visit West Northants to know what the requirements of the Order are, thereby improving compliance and reducing the number of incidents of that may cause detriment to an individual who may be otherwise affected by the anti-social behaviour of dog fouling, dog control, and smoking. It will also reduce incidents of related anti-social activities.

2. Vary the PSPO to include a requirement to keep dogs on leads in Northampton town centre and at Upton Country Park Phase 2. These requirements are currently contained in as existing PSPO for Northampton only: [Northampton Borough Council Public Spaces Protection Order](#) (as varied on 26 March 2021)

Exemptions to the PSPO

A registered blind person, or a person with a disability affecting their mobility, manual dexterity, or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance would be exempt from any Order.

Geographical locations to which this PSPO relates

You can view maps of the areas the proposed varied PSPO would apply to:

- [Area covered by existing order, includes Daventry and South Northants.](#)

- [Daventry Area showing villages and towns covered by the existing order.](#)
- [South Northants Area showing villages and towns covered by the existing order.](#)
- [West Northamptonshire Council administrative area proposed to be covered by varied PSPO – Northampton Area shown with black border.](#)
- [Upton Country Park – proposed dogs on leads area to be covered by varied PSPO.](#)
- [Northampton Town centre - proposed dogs on leads area to be covered by the proposed varied Order](#)
- [Northampton Area to be covered by the proposed varied Order](#)

Why is this happening?

Dog Control

There are now estimated to be 13m dogs in the UK and that 34% of all households in the UK own a dog, with 3.2 million households in the UK having acquired a pet since the start of the pandemic in 2020. In further research conducted by The Dogs Trust, a quarter of owners also reported their dog has developed a new behaviour problem during pandemic lockdowns. It is estimated that dogs produce more than 1,000 tonnes of waste each day, and 31% of dog owners admit to not cleaning up after their dogs.

In 2022, West Northamptonshire Council received more than 1097 complaints about dog fouling and dog control issues and, whilst most dog owners are caring, responsible individuals, there are still some who are irresponsible.

Whilst WNC receives many dog fouling complaints each year, it believes that the true number of incidents is far greater than the number reported. Dog fouling is not only deeply unpleasant, but it can also be dangerous. Whilst rare, contact with dog excrement or contaminated soil can cause toxocariasis – a nasty infection that can lead to dizziness, nausea, asthma and even blindness and seizures. Dog foul can also pass Neospora and Sarcocystosis to cattle and sheep respectively if left on land which is grazed by farm animals. Neospora can cause abortions in cattle or result in weak calves, and Sarcocystosis can cause neurological disease and death in sheep.

Incidents of livestock worrying by dogs (when a dog chases or attacks farm animals such as sheep and cattle) have increased over recent years. The National Farmers Union estimates that farm animals worth £1.52 million were injured or killed by dogs in the UK in 2021.

Several high-profile dog attacks across the United Kingdom, some resulting in fatalities, have brought the issue of dog control sharply into focus. Northamptonshire Police reported more than 400 dog attacks were recorded between October 2021 and November 2022 with 40 against other dogs and 399 against humans, 155 of those occurring across West Northamptonshire.

A PSPO, including some dog control measures such as requiring dog owners to remove their dog's foul, already operates in the Northampton Area, this will expire 18 September 2023. One of the requirements of this Order is that dogs must be kept on leads in Northampton town centre and Upton Country Park Phase 2. The latter was introduced in 2020 after a number of livestock worrying incidents in the area which resulted in the injury or death of sheep grazing in that area of the park.

Prohibition of smoking in certain public spaces

In Northamptonshire there are approximately 96,000 smokers, with the County seeing more than 7,000 hospital admissions, 300,000 GP appointments and more than 1,000 smoking related deaths each year. As part of the Council's commitment to Public Health Northamptonshire, we need to do all we can to reduce exposure to second-hand smoke and make smoking less visible to children. Children's play areas, playgrounds, educational facilities, skateparks, tennis courts, multi-use games areas, bowling greens, fenced or otherwise, are all public places for residents to go to maintain and enjoy a healthy lifestyle which can be supported with the banning of smoking in these specific areas. This no smoking policy has already been adopted across all these places in the former South Northants and Daventry Areas of West Northamptonshire, including all Country Park play areas.

Cigarette butts are the most prevalent form of litter in England and account for 68% of all littered items. Most cigarette filters are single-use plastic and contain hundreds of toxic chemicals once smoked. Littered cigarette filters can persist in the environment for many years and release these chemicals into air, land, and water, harming plant growth and wildlife.

What can be done?

WNC is keen to take measures to combat these problems by proposing to use powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014 Act ("the Act") to give its enforcement officers powers to deal with dog owners who fail to properly control their dogs in public places, and those who fail to refrain from smoking in specific public places throughout the WNC administrative area.

The Council is now seeking to extend and vary the current Daventry and South Northants PSPO (Dog Control and Prohibition of Smoking in Public Places) 2022 to also cover the Northampton Area. By doing so, it will:

- Bring consistency and alignment across West Northamptonshire making it easier for those who live, work, and visit the area to know what the requirements of the Order are.
- Improve compliance with the requirements of the PSPO.
- Reduce the number of incidents that may cause detriment to an individual who may be affected by the anti-social behaviour.
- Reduce incidents of any displacement of the activities addressed by the Order, which has been highlighted to the Council as a concern since its introduction in November 2022.

- Reduce visibility of smoking to children.
- Reduce the littering of discarded cigarettes, filters and vapes within certain areas of open space.
- Ensure that dogs are under proper control by being kept on a lead in Northampton Town Centre and Upton Country Park Phase 2, thereby reducing the number of incidents relating to out-of-control dogs. This requirement currently applies to those areas because of an existing PSPO but expires in September 2023 unless included within a varied WNC Order.